

REMARKS

Claims 2, 4-6, 8 and 10-14 are pending in the present application.

Reconsideration in view of the following arguments is respectfully requested.

Claim Rejections – 35 U.S.C. §103

Claims 2, 5, 8, 11 and 13-14 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Hogan (USP No. 6,442,393) in view of Zadeh et al., (USP No. 6,516,195) and Sawyer et al. (USP No. 5,307,400). This rejection is respectfully traversed.

Applicants submit that the Hogan-Zadeh et al.-Sawyer et al., either singly or in combination, fails to teach or suggest a method for identifying a lost call location in a wireless network system and a wireless network system comprising, at least: receiving a termination message from a mobile switching center (MSC) associated with a normal termination of the call; and discarding the updated information associated with the location of the mobile terminal in response to the normal termination of the call, as recited in claims 13 and 14.

Applicants have read the entirety of Hogan, Zadeh et al., and Sawyer et al., and do not see how reading these references one of ordinary skill in the art would think to combine Sawyer et al. with Hogan-Zadeh et al. Hogan discloses determining the location of mobile stations by means of reporting when signal quality becomes unacceptable. Zadeh et al. discloses determining the location of a mobile unit when a particular telecommunications event such as a dropped call occurs. Sawyer et al. discloses a method for monitoring the location of a mobile radio telephone when the mobile travels among visited

cellular networks. The location is determined by the home cellular network when the mobile registers (or initiates a call) with the visited cellular network.

Applicants therefore submit that Sawyer et al. does not perform locating a mobile in the same manner as Hogan or Zadeh et al., since determination of the location of the mobile is not done by means of a dropped call or signal quality as described in Zadeh et al. and Hogan respectively. Therefore, since Sawyer et al. is not combinable with Hogan-Zadeh et al., the combination of Hogan-Zadeh et al.-Sawyer et al. does not disclose the features of a method for identifying a lost call location in a wireless network system and a wireless network system comprising at least receiving a termination message from a mobile switching center (MSC) associated with a normal termination of the call and discarding the updated information associated with the location of the mobile terminal in response to the normal termination of the call, as recited in claims 13 and 14. Withdrawal of the rejection for at least this reason is kindly requested.

Notwithstanding the above, Sawyer et al. is not reasonably pertinent to Applicants invention, or to Hogan-Zadeh et al., for that matter.

A reference is reasonably pertinent if ... it is one which, because of the matter with which it deals, logically would have commended itself to the inventor's attention in considering his problem.... If a referenced disclosure has the same purpose as the claimed invention, the reference relates to the same problem ... if it is directed to a different purpose, the inventor would accordingly have had less motivation or occasion to consider it. In re Clay, 23 USPQ.2d 1058, 1060-61 (Fed. Cir. 1992).

Sawyer et al., at best, discloses a method of monitoring the location of a mobile radio telephone when the mobile travels among visited cellular

networks. The present invention is directed to monitoring of signal strength to determine the location of a mobile terminal when the signal is lost. The inventors of the present invention (or even Hogan or Zadeh et al.) would not look to Sawyer et al. to solve any problems identified therein, since Sawyer et al. relates to a different problem and/or provides no indication of the same purpose as the claimed invention. Applicants respectfully submit that claims 13 and 14 are allowable for this additional reason.

Applicants direct the Examiner's attention to two recent cases decided by the Court of Appeals for the Federal Circuit (CAFC), In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed.Cir. 1999) and In re Kotzab, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed.Cir. 2000). Both of these cases set forth very rigorous requirements for establishing a prima facie case of obviousness under 35 U.S.C. §103(a). To establish obviousness based on a combination of elements disclosed in the prior art, there must be some motivation, suggestion, or teaching of the desirability of making the specific combination that was made by the applicant. The motivation suggestion or teaching may come explicitly from one of the following:

- (a) the statements in the prior art (patents themselves)
- (b) the knowledge of one of ordinary skill art, or in some cases,
- (c) the nature of the problem to be solved.

See Dembiczak 50 USPQ at 1614 (Fed.Cir. 1999). In Kotzab, the CAFC held that even though various elements of the claimed invention were present (in two separate embodiments of the same prior art reference), there was no

motivation to combine the elements from the separate embodiments, based on the teachings in the prior art.

In order to establish a prima facie case of obviousness under 35 U.S.C. §103(a), the Examiner must provide particular findings as to why the two pieces of prior art are combinable. See Dembiczak 50 USPQ2d at 1617. Broad conclusory statements standing alone are not "evidence".

In order to provide motivation for combining Sawyer et al. and Hogan-Zadeh et al. to reject claims 13 and 14, on page 2 of the Office Action of December 6, 2004, the Examiner asserts:

It would have been obvious to combine Sawyer et al. with Hogan and Zadeh et al. . . . "in order to save memory space". Applicants have read Sawyer et al., Hogan, and Zadeh et al. and do not see how reading these references one of ordinary skill in the art would think to combine Sawyer et al. and Hogan-Zadeh et al. Sawyer et al. discloses a method for monitoring the location of a mobile radio telephone when the mobile travels among visited cellular networks, where the location is determined by the home cellular network when the mobile registers (or initiates a call) with the visited cellular network. This is completely antithetical to locating a mobile by means of a drop call or signal quality. The Examiner has not identified any teaching or suggestion, anywhere in Sawyer et al. that would lead one skilled in the art to look to Sawyer et al. in order to figure out a way to identify a lost call location in a wireless network system as recited in claim 14, for example, and as somewhat similarly recited in method claim 13. Accordingly, Applicants

respectfully submit that claims 13 and 14 are allowable for at least the additional reason that the Examiner has failed to establish a proper prima facie case of obviousness under 35 U.S.C. 103(a), in view of Dembiczak and Kotzab.

The Examiner must explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious."; In re Fritch, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992) (the examiner can satisfy the burden of showing obviousness of the combination "only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references").

Accordingly, Applicants submit that the Examiner has failed to provide any specific hint or suggestion in Sawyer et al., Hogan, or Zadeh et al. to support the alleged combination, nor shown with evidentiary support that such is known in the art, nor shown that Sawyer et al. solves said stated problem in Hogan or Zadeh et al. Thus, Applicants respectfully submit that claims 13 and 14 are allowable for at least the above reasons.

As claims 2-6, 8 and 10-12 depend on claims 13 and 14, these claims are allowable for the reasons stated above with respect to claims 13 and 14. Applicants respectfully request that the Examiner withdraw this art grounds of rejections.

CONCLUSION

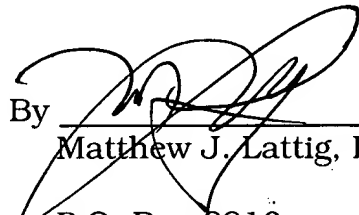
Accordingly, in view of the above remarks, reconsideration of the rejections of each of claims 2, 4-6, 8 and 10-14 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Matthew J. Lattig at (703) 668-8026 (direct).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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